

DEPT of REFRoom 307

#211 Reg for
refund
01/06/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 09/207,745
Confirmation No. 7213
Filing Date December 8, 1998
Inventor Daniel S. Simpkins et al.
Title Hybrid Switching
Art Unit 2664
Examiner Phuc H. Tran
Attorney Docket No. 32172-143271
Customer No. 26694

Request for Refund

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please refund (\$840) to Deposit Account No. 22-0261. The fees of \$840 were submitted on July 28, 2003 with a Petition for Third Month Extension of Time and a Notice of Appeal.

On June 27, 2003, an Amendment After Final and Request for Extension of Time (two months) was filed in response to the final Office Action mailed January 27, 2003. The U.S. Patent and Trademark Office failed to mail any response to the Amendment After Final prior to the non-extendable deadline of July 28, 2003 (next business day) for responding to the final Office Action.

Prior to the final deadline of July 28, 2003, the Examiner decided to remove the finality of the Office Action mailed January 27, 2003 and re-open prosecution. On July 28, 2003, the undersigned contacted SPE Rao Seema, who stated that even though the new non-final Office Action was counted but not mailed, a Petition for a Third Month Extension of Time and a Notice of Appeal were required to maintain the pendency of the application, and, thereafter, the Applicant could file a Request for Refund of the fees. Hence, on July 28, 2003, to maintain the

Adjustment date: 01/09/2004 PZIMERN
07/29/2003 CCHAU 0000050 0820745
02 FC:1253 -320.00 OP

Adjustment date: 01/09/2004 PZIMERN
07/29/2003 CCHAU 0000050 0820745
02 FC:1401 -320.00 OP

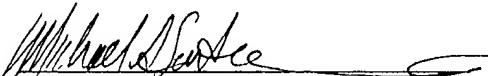
01/09/2004 PZIMERN 0000050 0820745
02 FC:1401 -320.00 OP

pendency of the application, a Petition for a Third Month Extension of Time and a Notice of Appeal were filed, along with \$840 in fees.

If the Office would have timely removed the finality of the previous Office Action and re-opened prosecution, no Petition for a Third Month Extension of Time and no Notice of Appeal would have been required. Hence, due to the delay by the Office, the Applicant respectfully requests that the amount of \$840 be refunded to Deposit Account No. 22-0261, and that the undersigned be notified when this occurs.

Respectfully submitted,

Date: December 16, 2003



Michael A. Sartori, Ph.D.
Registration No. 41,289
VENABLE LLP
P.O. Box 34385
Washington, DC 20043-9998
Telephone: (202) 344-4000
Telefax: (202) 344-8300

MAS/ab
DC2-505537

2666
#

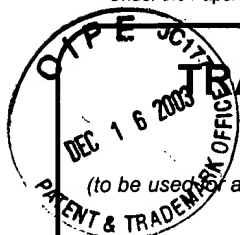
PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	Application Number	09/207,745
	Filing Date	December 8, 1998
	First Named Inventor	Daniel S. SIMPKINS et al.
	Group Art Unit	2666
	Examiner Name	Phuc H. Tran
Attorney Docket Number		32172-143271

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		RECEIVED DEC 23 2003 Technology Center 2600

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name		26694 PATENT TRADEMARK OFFICE
Signature	Michael A. Sartorit, Ph.D. Reg. No. 41,289	
Date	December 16, 2003	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450b on this date: _____			
Typed or printed name			
Signature		Date	

VENABLE
ATTORNEYS AT LAW

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/207,745
Filing Date	December 8, 1998
First Named Inventor	Daniel S. SIMPKINS et al.
Examiner Name	Phuc H. Tran
Group / Art Unit	2666
Attorney Docket No.	32172-143271

RECEIVED

DEC 23 2003

Technology Center 2600

TOTAL AMOUNT OF PAYMENT (\$) 420

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

22-0262

Deposit
Account
Name

VENABLE LLP

- ☐ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	0	0	0
Multiple Dependent	0	0	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2204	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2215	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	420
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2010	2255	1005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	25403	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 420)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Michael A. Satori, Ph. D.

Registration No. Attorney/Agent

41,289

Telephone

(202) 344-4800

Signature

Date

December 16, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
SEND TO: Commissioner for Patents, Mail Stop Patent Application, Alexandria, VA 22313-1450.

VENABLE
ATTORNEYS AT LAW

PC Docs No. 509508